

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

-----  
MICHAEL A. HURLEY,

Plaintiff,

3:20-CV-328  
(DNH/ML)

-v-

ITHACA CITY SCHOOL DISTRICT –  
BOARD OF EDUCATION and DR.  
LUELLE BROWN, Superintendent of  
Schools, ICSDBOE,

Defendants.  
-----

APPEARANCES:

OF COUNSEL:

ROBERT E. JOHNSON  
Plaintiff pro se  
3834 Manning Road  
Watkins Glen, NY 14891

BOND SCHOENECK & KING, PLLC  
Attorneys for Defendants  
One Lincoln Center  
Syracuse, NY 13202

KATE I. REID, ESQ.

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Pro se plaintiff Michael A. Hurley commenced this civil action against the Ithaca City School District Board of Education and the Superintendent of Schools. On April 22, 2020, the Honorable Miroslav Lovric, United States Magistrate Judge, advised by Report-Recommendation that plaintiff's Complaint be dismissed in its entirety but that he be granted

leave to amend. Magistrate Judge Lovric also recommended denying as moot defendants' currently pending motion for judgment on the pleadings. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

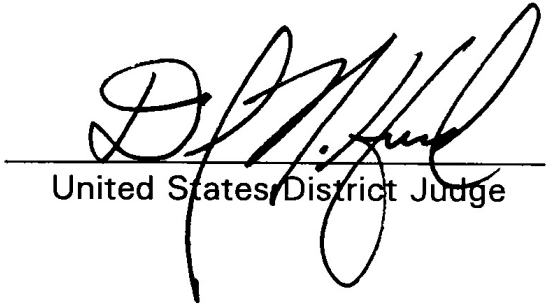
ORDERED that

1. Plaintiff's Complaint is DISMISSED in its entirety with leave to replead;
2. Plaintiff is provided an opportunity to amend his Complaint within thirty (30) days of the date of this Decision and Order to correct the deficiencies identified in the Report-Recommendation;
3. If plaintiff timely files an Amended Complaint within thirty (30) days of the date of this Decision and Order, the file be forwarded to Magistrate Judge Lovric for further review<sup>1</sup>;
4. If plaintiff fails to file an Amended Complaint within thirty (30) days of the date of this Decision and Order, the Complaint be dismissed in its entirety without further order; and
5. Defendants' motion for judgment on the pleadings, ECF No. 8, is DENIED as moot.

IT IS SO ORDERED.

---

<sup>1</sup> If plaintiff wishes to proceed with this action and files an Amended Complaint, he must either (i) pay the \$400.00 filing fee, or (ii) submit a renewed IFP application detailing his current financial condition within thirty (30) days from the date of the filing of this Decision and Order. Failure to comply with this directive will result in the issuance of a Report and Recommendation to the undersigned that the action be dismissed.



United States District Judge

Dated: May 14, 2020  
Utica, New York.